

1 JAEMIN CHANG (SBN 232612)  
2 JChang@FoxRothschild.com  
3 FOX ROTHSCHILD LLP  
4 345 California Street, Suite 2200  
5 San Francisco, CA 94104-2670  
6 Telephone: 415.364.5540  
7 Facsimile: 415.391.4436

8 JEFF NICHOLAS (Pro Hac Vice To Be Filed)  
9 jnicholas@FoxRothschild.com  
10 FOX ROTHSCHILD LLP  
11 2000 Market Street, Twentieth Floor,  
Philadelphia, PA 19103  
Telephone: (215) 299-2000

12 GUY LEWIS (Pro Hac Vice To Be Filed)  
glewis@lewistein.com  
13 THE LAW OFFICES OF GUY A. LEWIS  
14 12575 SW 67th Avenue  
15 Pinecrest, FL, 33156  
16 Telephone: (305) 442-1101

17 *Attorneys for Claimant Battle Born Investments Company, LLC*

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Case No. 20-7811-RS

Plaintiff,

v.

Approximately 69,370 Bitcoin (BTC),  
Bitcoin Gold (BTG), Bitcoin SV (BSV), and  
Bitcoin Cash (BCH) seized from  
1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8Hb  
hx,

**VERIFIED CLAIM AND STATEMENT  
OF INTEREST BY BATTLE BORN  
INVESTMENTS COMPANY, LLC**

**FILED UNDER SEAL**

Judge: Hon. Richard Seeborg

Courtroom: 3

Case Filed: November 5, 2020

FAC Filed: November 20, 2020

Trial Date: TBD

Defendant.

BATTLE BORN INVESTMENTS  
COMPANY, LLC.

Claimant.

## 1 VERIFIED CLAIM AND STATEMENT OF INTEREST

2 **NOTICE OF CLAIM**

3 Pursuant to 18 USC, sections 983(a)(4)(A) and Rules C(6) and G(5) of the Federal  
 4 Supplemental Rules for Admiralty or Maritime Claims or Forfeiture Actions, claimant Battle  
 5 Born Investments Company, LLC (“Claimant Battle Born” or “Claimant”) hereby timely claims  
 6 an interest in all or a portion of the defendant properties that are the subject of this forfeiture  
 7 action brought by the United States of America (the “Plaintiff”).

8 **CLAIM**

9 1. Claimant Battle Born is a Nevada Limited Liability Company, located at 10170  
 10 W Tropicana Ave, Suite 156-290, Las Vegas, NV 89148.

11 2. On or about July 31, 2017, upon information and belief, an individual, understood  
 12 to be himself, or to be related to, that person designated in the Plaintiff’s Complaint as Individual  
 13 X in the instant matter (Comp., paragraphs 23 - 25), filed a Chapter 7 Bankruptcy case in the  
 14 United States Bankruptcy Court, District of Nevada (the “Bankruptcy Court”), pending as Case  
 15 Number; 17-14166-BTB.

16 3. On or about March 27, 2018, Claimant Battle Born entered into an agreement to  
 17 purchase from the duly appointed Chapter 7 bankruptcy trustee (the “Trustee”), all assets of the  
 18 bankruptcy estate, which assets included all disclosed and undisclosed property interests of the  
 19 bankruptcy debtor, who, upon information and belief, is, or is associated with, Individual X in  
 20 the instant matter, wherever such interests were located (the “Bankruptcy Claims”).

21 4. On or about May 14, 2018 Claimant Battle Born’s purchase of the Bankruptcy  
 22 Claims from the Trustee was approved by the Honorable Bruce Beesley of the United States  
 23 Bankruptcy Court for the District of Nevada.

24 5. On or about March 15, 2019, the Bankruptcy Court issued a Writ of Assistance  
 25 directing the United States Marshal to obtain all electronic devices belonging to the individual  
 26 believed to be, or associated with, Individual X in the instant matter. Pursuant thereto, the United  
 27 States Marshal retrieved certain electronic devices and provided them to Claimant, as directed by  
 28 the Writ of Assistance.

1       6. Upon a forensic review of the electronic devices seized from the person believed  
 2 to be Individual X, or an associated party, evidence was discovered that the Bitcoin belonged to  
 3 what we assert to be Individual X, or a party associated with Individual X, and was therefore part  
 4 of the Bankruptcy Claims owned by Claimant Battle Born.

5       7. As such, the Bankruptcy Claims purchased on May 14, 2018 are, upon  
 6 information and belief, understood to be inclusive of the Defendant Property subject to the  
 7 instant November 20, 2020 Civil Asset Forfeiture action.

8       8. Claimant Battle Born claims an interest in Defendant Property, approximately  
 9 69,370 BTC Bitcoin (“BTC”), Bitcoin Gold (“BTG”), Bitcoin SV (“BSV”), Bitcoin Cash  
 10 (“BCH”), and future Bitcoin hard forks (collectively the “Bitcoin”) seized from Individual X’s  
 11 wallet number 1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8Hbhx (the “1HQ3 wallet”) and  
 12 currently in the possession of the Plaintiff.

13       9. The Defendant Property has been since May 14, 2018 and is still currently owned  
 14 by Claimant Battle Born.

15       10. The Defendant Property was purchased for valuable consideration pursuant to the  
 16 United States Bankruptcy Code, effective on or about May 14, 2018, and further, such purchase  
 17 was approved by the Bankruptcy Court (the “Bankruptcy Court Order”) as final disposition of  
 18 the Defendant Property and transfer of ownership of such to Claimant Battle Born.

19       11. Regardless of the history of the Defendant Property prior to its acquisition by  
 20 Individual X, or a person associated with Individual X, the May 14, 2018 purchase of and  
 21 approval by the Bankruptcy Court irrevocably transferred to Claimant Battle Born all right,  
 22 interest and title to the Defendant Property, and such judgment is a final Disposition of  
 23 Defendant Property.

24       12. As such, there exists a question as to this Court’s jurisdiction over the Defendant  
 25 Property, insofar as the instant First Amended Complaint for Civil Asset Forfeiture may, if  
 26 granted, contravene the Bankruptcy Court Order granting the sale of the Bankruptcy Claims,  
 27 which include the Defendant Property, to Claimant Battle Born.

1       13. Claimant is further informed and believes that the Plaintiff took possession of the  
 2 Defendant Property by consent agreement from Individual X on or about November 3, 2020,  
 3 more than two years subsequent to Claimant's May 14, 2018 purchase of the Defendant Property  
 4 by way of the Bankruptcy Court Order conveying right, title and ownership to the Defendant  
 5 Property to Claimant Battle Born.

6       14. Claimant asserts that it currently owns all right, title and interest in and to the  
 7 Defendant Property that were formerly held in accounts owned by Individual X, but Claimant  
 8 requires additional information, that is currently not publicly available, to determine if the  
 9 Bankruptcy Court Petitioner is, in fact, Individual X himself, or an associated party, in the instant  
 10 matter.

11       15. As a result of the above, because asset sales in Bankruptcy, by their nature, are  
 12 intended to be definitive, final and absolute, Claimant Battle Born asserts and alleges that its  
 13 right and title to the Defendant Property is superior to that of Silk Road, Individual X and/or any  
 14 other claimants in this action.

15       16. Claimant Battle Born claims an interest in the Defendant Property as an innocent  
 16 "owner," within the meaning of 18 USC section 983(d)(6) and 28 Code of Federal Regulations  
 17 section 9.2, pursuant to 18 USC section 983(d)(3), as Claimant Battle Born can show it was a  
 18 bona fide third party purchaser of the Defendant Property pursuant to the United States  
 19 Bankruptcy Code, that it did not know of any illegal conduct, that it was without cause to know  
 20 that the Defendant Property was subject to forfeiture, and it can prove ownership to the  
 21 Defendant Property by way of the Bankruptcy Court Order.

22       17. Claimant Battle Born is also a "victim" within the meaning of 28 CFR § 9.2.

23       18. Claimant Battle Born contests forfeiture of the Defendant Property and prays that  
 24 this Court enjoin the liquidation of the Defendant Property in this action prior to the full  
 25 adjudication of Claimant Battle Born's right, title and interest in and to the Defendant Property,  
 26 and seeks the return of the Defendant Property (and any other portion of Defendant property that  
 27 belongs to Claimant for which insufficient information is available insofar as no Notice of  
 28

1 Forfeiture has been provided to Claimant) to Claimant, the rightful owner of such Property by  
2 way of the Order of the Bankruptcy Court of May 14, 2018.

3 Dated: March 16, 2021

4 FOX ROTHSCHILD LLP

5 By: /s/ Jaemin Chang

6 JAEMIN CHANG

7 JEFF NICHOLAS (Pro Hac Vice To Be Filed)

8 Dated: March 16, 2021

9 THE LAW OFFICES OF GUY A. LEWIS

10 By: /s/ Guy A. Lewis

11 GUY A. LEWIS

12 (Pro Hac Vice To Be Filed)

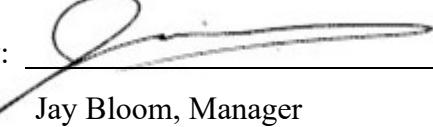
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**VERIFICATION**

I, the undersigned, certify and declare that I have read the foregoing Verified Notice of Claim and know its contents. The matters stated in the foregoing document are true of my own knowledge and belief except as to those matters explicitly stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. I understand that a false statement or claim may subject a person to prosecution.

Dated: March 16, 2021

BATTLE BORN INVESTMENTS COMPANY, LLC

By: 

Jay Bloom, Manager  
SJC VENTURES HOLDING LLC